



KENNEWICK SCHOOL DISTRICT
524 SOUTH AUBURN STREET
KENNEWICK, WA 99336

BUSINESS OFFICE
ROBERT L. ECKERT, BUSINESS MANAGER

October 20, 2005

Federal Communications Commission
Office of the Secretary
445 - 12th Street SW
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Reference: CC Docket No. 02-6

Reference: Request for Review

Gentlemen:

This is a letter of appeal. The Kennewick School District received two Notification of Commitment Adjustment Letters dated February 1, 2005, one with a Funding Request Number of 741002 and the other with Funding Request Number 741023. Following an official appeal to the Universal Service Administrative Company, Schools and Libraries Division, the Kennewick School District received letter of DENIAL dated September 30, 2005. Therefore this letter of appeal is for the FCC to review that denial.

The following listed person will be the official contact person from the Kennewick School District who can most readily discuss this appeal with you:

Robert L. Eckert
Business Manager
Kennewick School District
524 South Auburn Street
Kennewick, WA 99336
Phone--509.222.6673
FAX--509.222.5052
e-Mail-- eckeb@ksd.org

This appeal is in reference of the USAC SLD appeal denial letter for the Kennewick School District 17, Form 471 Application Number 289973, Billed Entity Number 145523, with no FCC Registration Number listed.

In that Notification of Commitment Adjustment Letter they stated on the attached Funding Commitment Adjustment Report that "...it has been determined that this funding commitment must be rescinded in full.", and that "...Form 470 did not include

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service(s) for which you sought funding in your Form 471 application, which is a violation of the FCC's competitive bidding rules. FCC rules require that except under limited circumstances, all eligible schools and libraries shall seek competitive bids for all services eligible for support. Since the services for which you sought funding were not properly posted to the website for competitive bidding, the commitment has been rescinded in full and SLD will seek recovery of any disbursed funds."

As the matter of this appeal explanation, the Kennewick School District entered into the contract with Verizon Northwest, Inc. as an extension of an existing contract, therefore not being required to submit a new Form 470, and that we were not required to post for competitive bids as per Washington state law citing sole source as the reason. At that period of time, there was no other service available in this area to seek competitive bids from.

Therefore it is my request and desire that you reconsider and overturn this denial and not require the district to forfeit the funds already provided.

You, and all other citizens of the United States of America, I am sure, are very aware that the school districts all across America are struggling for funding, and for the Kennewick School District to be required to refund over \$100,000 for failure to sign a piece of paper and post it to seek competitive bidding in a situation where we were not informed or uninformed that we were required to do so, just simply does not seem the right thing to do as we all strive to provide a better education to the children of the United States.

Rest assured that the Kennewick School District, its Board of Directors, Administrators, and all other employees neither had an intent nor did they have knowledge that an improper act was to be or had occurred. It was and is our full intent to follow all guidelines of commitment to contract with any and all vendors.

Thank you for your consideration and if I may be of additional assistance, please feel free to contact me at any time.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert L. Eckert', written in a cursive style.

Robert L. Eckert

(Original of electronic copy filed via e-mail @ 11:20 a.m. pdst, 10/20/05)